

## MINUTES

CASE NUMBER: CR 02-00225DAE  
CASE NAME: USA v. (01)Andy S. S. Yip  
ATTYS FOR PLA: Leslie E. Osborne, Jr.  
ATTYS FOR DEFT: (01)Howard T. Chang  
USPO: Mona Gondinet

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| JUDGE: | David Alan Ezra | REPORTER: | Cynthia Fazio   |
| DATE:  | 04/29/2008      | TIME:     | 10:30am-12:05pm |

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COURT ACTION: EP: Sentencing to Counts 1, 4, 5, 6, 7, 9, 10, and 11 of the Second Superseding Indictment as to Defendant (01)Andy S. S. Yip.

Defendant (01)Andy S. S. Yip present, not in custody.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant (01)Andy S. S. Yip.

### SENTENCE:

Imprisonment: 67 MONTHS, as to Counts 1, 10, and 11, and 36 MONTHS, as to Counts 4 through 7, and 9, with all such terms to run concurrently

Supervised Release: 3 YEARS, as to Counts 1, 10, and 11, and 1 YEAR, as to Counts 4 through 7, and 9, with all such terms to run concurrently

### CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.
4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.

5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervised release, as directed by the Probation Office, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.[DRUG TESTING IS WAIVED]
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall cooperate and comply with the requirements of the Internal Revenue Service (IRS), including the filing of all past-due and/or amended tax returns and arrange for the payment of delinquent taxes, interest and penalties.
8. The restitution of \$1,758,835 is due immediately to the Internal Revenue Service, Attn: RACS/Excess, STOP 151 (Restitution), P.O. Box 47-421, Doraville, GA 30362, with any remaining balance upon release from confinement to be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of this monthly gross income.
9. Defendant shall immediately pay the cost of prosecution totaling \$22,522.46 to the U.S. Treasury, U.S. Attorney's Office, Attention: Budget, 300 Ala Moana Blvd., Room 6-100, Honolulu, Hawaii 96850, with any remaining balance upon release from confinement to be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of this monthly gross income.
10. Defendant shall execute all financial disclosure forms and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.

Special Assessment: \$800.00. No fine.

JUDICIAL RECOMMENDATIONS: Prison Camp at Lompoc, CA. Educational opportunities. Any medical treatment needed.

Defendant advised of his right to appeal.

Mittimus is stayed until 6/16/2008.

Defendant to self-surrender @2:00 p.m., local time on 6/16/2008 at the facility designated by the Bureau of Prisons. The time is the time at the facility.

Current bail conditions of release to continue.

Submitted by: Theresa Lam, Courtroom Manager